

APR 12 2005

AXIAMD.005CP1

CUSTOMER NO.: 20995

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321**

Applicant	:	Andrew H. Cragg
Appl. No.	:	09/848,556
Filed	:	May 3, 2001
For	:	METHODS OF PERFORMING PROCEDURES IN THE SPINE
Examiner	:	Pedro Philogene
Group Art Unit	:	3732

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Empowerment of Attorney*

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, Trans1, Inc. ("Assignee"), by virtue of a Power of Attorney executed on December 20, 2001, a copy of which is attached.

*Right of Assignee and Ownership*

In accordance with 37 C.F.R. § 3.73(b), Trans1, Inc., Assignee represents that it is the owner of a 100 percent interest in the above-identified application and co-owned U.S. Patent No. 6,558,390 filed as (U.S. Application No. 09/782,583), all by virtue of an assignment recorded at Reel No. 0137991, Frame No. 0143 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

*Disclaimer by Assignee*

Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-referenced application that would extend beyond the expiration date of the full statutory term of Patent No. 6,558,390 and hereby agrees that any patent so granted

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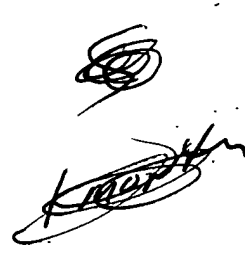
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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AMENDMENT AND RESPONSE TO OFFICE ACTION MAILED NOVEMBER 12, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following amendments and remarks are responsive to the rejections set forth by the Examiner in the Office Action mailed November 12, 2004.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.